APPENDIX F:
Revised DRAFT DEQ ENVIRONMENTAL SPECIFICATIONS

Revised Draft DEQ Environmental Specifications

The following specifications have been developed by the DEQ for projects receiving a Certificate of Compliance and would become conditions to the Certificate of Compliance if it is approved.

CONTENTS

DEFINITIONS

ACCESS EASEMENT: Any land area over which the OWNER has received an easement or other permission from a LANDOWNER allowing travel to and from the project. Access easements may or may not include access roads.

ACCESS ROAD: Any travel course which is constructed by substantial recontouring of land and which is intended to permit passage by most four-wheeled vehicles.

BEGINNING OF CONSTRUCTION: Any project-related earthmoving or removal of vegetation (except for clearing of survey lines).

BOND: Performance bond to guarantee successful reclamation and revegetation of the project as allowed under 75-20-302(2),MCA

CERTIFICATE: Certificate of Compliance issued by the Department of Environmental Quality.

CONTRACTOR: Constructors of the Facility (agent of owner)

DFWP: Montana Department of Fish, Wildlife, and Parks

DNRC: Montana Department of Natural Resources and Conservation

DOT: Montana Department of Transportation

DEQ: Montana Department of Environmental Quality

LANDOWNER: The owner of private property or the managing agency for public lands.

OWNER: The owner(s) of the facility, or the owner's agent.

SENSITIVE AREA: Area which exhibits environmental characteristics that may make it especially susceptible to impact from construction of a transmission facility. The extent of these areas is defined for each project but may include any of the areas listed in Circular MFSA-2 Sections 3.2(1)(d) and 3.4(1).

SHPO: State Historic Preservation Office

STATE INSPECTOR: DEQ employee or DEQ designee with the responsibility for monitoring the OWNER's and contractor's compliance with terms and conditions of the Certificate of Compliance issued for a project.

INTRODUCTION

The purpose of these specifications is to ensure mitigation of potential environmental impacts during the construction, operation and maintenance of a transmission facility.

For non-exempt facilities, the Montana Major Facility Siting Act supersedes all state and local environmental permit requirements except for those dealing with air and water quality, public health and safety, water appropriations and diversions, and easements across state lands (75-20-103 and 401, MCA). A major purpose of these conditions is to ensure that the intent of the laws which are superseded is met, even though the procedures of applying for and obtaining permits from various state agencies are not. As specified later in this document, the STATE INSPECTOR will have the responsibility for arranging reviews and inspections by other state agencies, which would otherwise have been done through a permit application process.

Appendices A through Q refer to the site-specific concerns and areas that apply for a specific project. These addenda, as needed, will be prepared by DEQ working in consultation with the OWNER prior to the start of construction. If these specifications conflict with MATL's proposal (WAPA Standard 13), more environmentally protective of the two would apply.

0.0 GENERAL SPECIFICATIONS

0.1. SCOPE

These specifications apply to all lands affected by the project. Where the LANDOWNER requests practices other than those listed in these specifications, the OWNER may authorize such a change provided that the STATE INSPECTOR is notified in writing of the change and that the change would not be in violation of: (1) the intent of any state law which is superseded by the Montana Major Facility Siting Act; (2) the Certificate; (3) any conditions imposed by DEQ; (4) DEQ's finding of minimum adverse impact; or (5) the regulations in ARM 17.20.1901 and 17.20.1902.

0.2. ENVIRONMENTAL PROTECTION

The OWNER shall conduct all operations in a manner to protect the quality of the environment and to reduce impacts to the greatest extent practical.

0.3. CONTRACT DOCUMENTS

These specifications shall be part of or incorporated into the contract documents; therefore, the OWNER and the OWNER'S agents shall be held responsible for adherence to these specifications in performing the work

0.4. BRIEFING OF EMPLOYEES

The OWNER shall ensure that the CONTRACTOR and all field supervisors are provided with a copy of these specifications and informed of which sections are applicable to specific procedures. It is the responsibility of the OWNER, its CONTRACTOR and the CONTRACTOR's Construction Supervisors to ensure that the

intent of these measures is met. Supervisors shall inform all employees on the applicable environmental constraints spelled out herein prior to and during construction. Site-specific measures spelled out in the appendices attached hereto shall be incorporated into the design and construction specifications or other appropriate contract document.

0.5. COMPLIANCE WITH REGULATIONS

All project-related activities of the OWNER shall comply with all applicable local, state, and federal laws, regulations, and requirements.

0.6. LIMITS OF LIABILITY

The OWNER is not responsible for correction of environmental damage or destruction of property caused by negligent acts of DEQ employees during construction monitoring activities.

0.7. DESIGNATION OF SENSITIVE AREAS

DEQ, in its evaluation of the project, has designated certain areas along the right-of-way or access roads as SENSITIVE AREAS. The OWNER shall take all reasonable actions to avoid adverse impacts in these SENSITIVE AREAS and adopt the measures in appendix A.

0.8. PERFORMANCE BOND

To ensure compliance with these specifications, the OWNER shall submit to the State of Montana or its authorized agent a BOND or BONDS pertaining specifically to the restoration of the right-of-way and adjacent land damaged during construction and revegetation. Post-construction monitoring by DEQ will determine compliance with these specifications and other mitigating measures included herein. At the time cleanup and restoration are complete, and revegetation is progressing satisfactorily, the OWNER shall be released from its obligation for restoration. At the time the OWNER is released, a portion of this BOND or a separate BOND shall be established by the OWNER and submitted to the State of Montana or its authorized agent. This BOND shall be held for five years or until monitoring by DEQ indicates that reclamation and road closures have been adequate. The amount and bonding mechanisms for this section shall be specified by DEQ and agreed to by the OWNER under provisions established by 17.20.1902(9) as specified in Appendix B and attached. Proof of bond shall be submitted to DEQ two weeks prior to the start of construction.

0.9. DESIGNATION OF STRUCTURES

Each structure for the project shall be designated by a unique number on plan and profile maps, and a shape file, route, or geodatabase showing line, structure, and access locations submitted to DEQ. References to specific poles or towers in Appendices A through Q shall use these numbers. If this information is not available because the survey is not complete, station numbers or mileposts shall indicate locations along the centerline. Station numbers or mileposts of all angle points shall be designated on plan and profile maps.

0.10. ACCESS

When easements for construction access are obtained for construction personnel, provision will be made by the OWNER to ensure that DEQ personnel or contractors will be allowed access to the right-of-way and to any off-right-of-way access roads used for construction during the term of the CERTIFICATE. Liability for damage caused by providing such access for the STATE INSPECTOR shall be limited by section 0.6 LIMITS OF LIABILITY.

0.11. DESIGNATION OF STATE INSPECTOR

DEQ shall designate a STATE INSPECTOR or INSPECTORS to monitor the OWNER'S compliance with these specifications and any other project–specific mitigation measures adopted by DEQ as provided in ARM 17.20.1901 through 17.20.1902. The STATE INSPECTOR shall be the OWNER's liaison with the State of Montana on construction, post-construction, and reclamation activities. All communications regarding the project shall be directed to the STATE INSPECTOR. The name of the STATE INSPECTOR can be obtained by contacting the Bureau Chief of the Environmental Management Bureau, Permitting and Compliance Division, Department of Environmental Quality, or the Bureau Chief's successor (see Appendix P).

1.0. PRE-CONSTRUCTION PLANNING AND COORDINATION

1.1. PLANNING

1.1.1. Planning of all stages of construction and maintenance activities is essential to ensure that construction-related impacts will be kept to a minimum. The CONTRACTOR and OWNER shall, to the extent possible, plan the timing of construction, construction and maintenance access and requirements, location of special use sites, and other details before the commencement of construction.

1.1.2. Preferably thirty days, but at least fifteen days before the start of construction, the OWNER shall submit plan and profile map(s) and an electronic equivalent acceptable to the STATE INSPECTOR depicting the location of the centerline and of all construction access roads, maintenance access roads, structures, clearing backlines, and, if known, special use sites. The scale of the map for special use sites shall be 1:24,000 or larger.

1.1.3. If special use sites are not known at the time of submission of the plan and profile, the following information shall be submitted no later than five days prior to the start of construction. The location of special use sites including staging sites, pulling sites, batch plant sites, splicing sites, borrow pits, and storage or other buildings shall be plotted on one of the following and submitted to DEQ: ortho-photomosaics of a scale 1:24,000 or larger, or available USGS 7.5' plan and profile maps of a scale 1:24,000 or larger, or an electronic equivalent acceptable to the STATE INSPECTOR.

1.1.4. Changes or updates to the information submitted in 1.1.2 and 1.1.3 shall be submitted to DEQ as they become available. In no case shall a change be submitted less than five (5) days prior to its anticipated date of construction. Changes in these locations prior to construction where designated SENSITIVE AREAS are affected must be

submitted to DEQ seven (7) days before construction and approved by the STATE INSPECTOR prior to construction.

1.1.5. Long-term maintenance routes to all points on the line should be planned before construction begins. Where known, new construction access roads intended to be maintained for permanent use shall be differentiated from temporary access roads on the maps required under 1.1.2 above.

1.2. PRE-CONSTRUCTION CONFERENCE

1.2.1. At least one week before commencement of any construction activities, the OWNER shall schedule a pre-construction conference. The STATE INSPECTOR shall be notified of the date and location for this meeting. One of the purposes of this conference shall be to brief the CONTRACTOR and land management agencies regarding the content of these specifications and other DEQ approved mitigating measures, and to make all parties aware of the roles of the STATE INSPECTOR and of the federal inspectors (if any).

1.2.2. The OWNER's representative, the CONTRACTOR's representative, the STATE INSPECTOR, and representatives of affected state and federal agencies who have land management or permit and easement responsibilities shall be invited to attend the pre-construction conference.

1.3. PUBLIC CONTACT

1.3.1. Written notification by the OWNER's field representative or the CONTRACTOR shall be given to local public officials in each affected community prior to the beginning of construction to provide information on the temporary increase in population, when the increase is expected, and where the workers will be stationed. If local officials require further information, the OWNER shall hold meetings to discuss potential temporary changes. Officials contacted shall include the county commissioners, city administrators, and law enforcement officials. It is also suggested that local fire departments, emergency service providers, and a representative of the Chamber of Commerce be contacted.

1.3.2. The OWNER shall negotiate with the LANDOWNER in determining the best location for access easements and the need for gates.

1.3.3. The OWNER shall contact local government officials, or the managing agency, as appropriate, regarding implementation of required traffic safety measures.

1.4. HISTORICAL AND ARCHAEOLOGICAL SURVEY

1.4.1. The OWNER must develop and carry out a plan submitted to the State Historic Preservation Office (SHPO) that includes steps which have been and will be taken to identify, evaluate, and avoid or mitigate damage to cultural resources affected by the project. The plan (Appendix I) shall include: (1) actions taken to identify cultural resources during initial intensive survey work; (2) an evaluation of the significance of the identified sites and likely impacts caused by the project; (3) recommended treatments or measures to avoid or mitigate damage to known cultural sites; (4) steps to

be taken in the event other sites are identified after approval of the plan; and (5) provisions for monitoring construction to protect cultural resources. Except for monitoring, all steps of the plan must be carried out prior to the start of construction. The requirements for this plan should not be construed to exempt or alter compliance by the OWNER or managing agency with 36 CFR 800. This plan must be filed with SHPO.

2.0 CONSTRUCTION

2.1. GENERAL

2.1.1. The preservation of the natural landscape contours and environmental features shall be an important consideration in the location of all construction facilities, including roads, storage areas, and buildings. Construction of these facilities shall be planned and conducted so as to minimize destruction, scarring, or defacing of the natural vegetation and landscape. Any necessary earthmoving shall be planned and designed to be as compatible as possible with natural landforms.

2.1.2. Temporary construction sites and staging areas shall be the minimum size necessary to perform the work. Such areas shall be located where most environmentally compatible, considering slope, fragile soils or vegetation, and risk of erosion. After construction, these areas shall be restored as specified in Section 3.0 of these specifications unless the STATE INSPECTOR authorizes a specific exemption in writing.

2.1.3. All work areas shall be maintained in a neat, clean, and sanitary condition at all times. Trash or construction debris (in addition to solid wastes described in section 2.14) shall be regularly removed during the construction, restoration, and reclamation periods.

2.1.4. In areas where mixing of soil horizons would lead to a significant reduction in soil productivity, increased difficulty in establishing permanent vegetation, or an increase in weeds, mixing of soil horizons shall be avoided insofar as possible. This may be done by removing and stockpiling topsoil, where practical, so that it may be spread over subsoil during site restoration. Known areas where stockpiling of topsoil is required are listed in Appendix L. Prior to construction the STATE INSPECTOR may designate other areas.

2.1.5. Vegetation such as trees, plants, shrubs, and grass on or adjacent to the right-of-way which do not interfere with the performance of construction work or operation of the line itself shall be preserved.

2.1.6. The OWNER shall take all necessary actions to avoid adverse impacts to SENSITIVE AREAS listed in Appendix A. The STATE INSPECTOR shall be notified two working days in advance of initial clearing or construction activity in these areas. The OWNER shall mark or flag the clearing backlines and limits of disturbance in certain SENSITIVE AREAS as indicated in Appendix A. All construction activities must be conducted within this marked area.

2.1.7. The OWNER shall either acquire appropriate land rights or provide compensation for damage for the land area that will be disturbed by construction. The width of the area disturbed by construction shall not exceed a reasonable distance from the centerline

as necessary to perform the work. For this project, work should be contained within the area specified in Appendix C.

2.1.8. Flow in a stream course may not be permanently diverted. If temporary diversion is necessary, flow will be restored before a major runoff season or the next spawning season, as determined by the STATE INSPECTOR in consultation with the managing agency.

2.2. CONSTRUCTION MONITORING

2.2.1. The STATE INSPECTOR is responsible for implementing the monitoring plan required by ARM 17.20.1902. The plan specifies the type of monitoring data and activities required, and terms and schedules of monitoring data collection, and assigns responsibilities for data collection, inspection reporting, and other monitoring activities. It is attached as Appendix Q.

2.2.2. The STATE INSPECTOR, the OWNER, and the OWNER'S agents will attempt to rely upon a cooperative working relationship to reconcile potential problems relating to construction in SENSITIVE AREAS and compliance with these specifications. When construction activities would cause excessive environmental impacts due to seasonal field conditions or damage to sensitive features, the STATE INSPECTOR will discuss possible mitigating measures or minor construction rescheduling to avoid these impacts with the OWNER. The STATE INSPECTOR will be prepared to provide the OWNER with written documentation of the reasons for the modifications within 24 hours of their imposition.

2.2.3. The STATE INSPECTOR may require mitigating measures or procedures at some sites beyond those listed in Appendix A in order to minimize environmental damage due to unique circumstances that arise during construction, such as unanticipated discovery of a cultural site. The STATE INSPECTOR will follow procedures described in the monitoring plan when such situations arise.

2.2.4. In the event that the STATE INSPECTOR shows reasonable cause that compliance with these specifications is not being achieved, DEQ would take corrective action as described in 75-20-408, MCA.

2.3. TIMING OF CONSTRUCTION

2.3.1. Construction and motorized travel may be restricted or prohibited at certain times of the year in certain areas. Exemptions to these timing restrictions may be granted by DEQ in writing if the OWNER can clearly demonstrate that no environmental impacts will occur as a result. These areas, listed in Appendix D, include areas deemed as SENSITIVE AREAS.

2.3.2. In order to prevent rutting and excessive damage to vegetation, construction will not take place during periods of high soil moisture when construction vehicles will cause severe rutting.

2.4. PUBLIC SAFETY

2.4.1. All construction activities shall be done in compliance with existing health and safety laws.

2.4.2. Requirements for aeronautical hazard marking shall be determined by the OWNER in consultation with the Montana Aeronautical Division, the FAA, and DEQ. These requirements are listed in Appendix E. Where required, aeronautical hazard markings shall be installed at the time the wires are strung, according to the specifications listed in Appendix E.

2.4.3. Noise levels shall not exceed established DEQ standards as a result of operation of the facility and associated facilities. For electric transmission facilities, the average annual noise levels, as expressed by an A-weighted day-night scale (Ldn) will not exceed 50 decibels at the edge of the right-of-way in residential and subdivided areas unless the affected LANDOWNER waives this condition.

2.4.4. The facility shall be designed, constructed, and operated to adhere to the National Electric Safety Code regarding transmission lines.

2.4.5. The electric field at the edge of the right-of-way will not exceed 1 kilovolt per meter measured 1 meter above the ground in residential or subdivided areas unless the affected LANDOWNER waives this condition, and the electric field at road crossings under the facility will not exceed 7 kilovolts per meter measured 1 meter above the ground.

2.5. PROTECTION OF PROPERTY

2.5.1. Construction operations shall not take place over or upon the right-of-way of any railroad, public road, public trail, or other public property until negotiations and/or necessary approvals have been completed with the managing agency. Roads and trails will be protected and kept open for public use. Where it is necessary to cross a trail with access roads, the trail corridor will be restored. Adequate signing and/or blazes will be established so the user can find the route. All roads and trails designated by government agencies as needed for fire protection or other purposes shall be kept free of logs, brush, and debris resulting from operations under this agreement. Any such road or trail damaged by project construction or maintenance shall be promptly restored to its original condition.

2.5.2. Reasonable precautions shall be taken to protect, in place, all public land monuments and private property corners or boundary markers. If any such land markers or monuments are destroyed, the marker shall be reestablished and referenced in accordance with the procedures outlined in the "Manual of Instruction for the Survey of the Public Land of the United States" or, in the case of private property, the specifications of the county engineer. Reestablishment of survey markers will be at the expense of the OWNER

2.5.3. Construction shall be conducted so as to prevent any damage to existing real property including but not limited to transmission lines, distribution lines, telephone

lines, railroads, ditches, and public roads crossed. If such property is damaged by operations under this agreement, the OWNER shall repair such damage immediately to a reasonably satisfactory condition in consultation with the property owner.

2.5.4. In areas with livestock, the OWNER shall make a reasonable effort to comply with the reasonable requests of LANDOWNERs regarding measures to control livestock. Unless requested by a LANDOWNER, care shall be taken to ensure that all gates are closed after entry or exit. Gates shall be inspected and repaired when necessary during construction and missing padlocks shall be replaced. The OWNER shall ensure that gates are not left open at night or during periods of no construction activity unless the LANDOWNER makes other requests. Any fencing or gates cut, removed, damaged, or destroyed by the OWNER shall immediately be replaced with new materials. Fences installed shall be of the same height and general type as a nearby fence on the same property, and shall be stretched tight with a fence stretcher before stapling or securing to the fence post. Temporary gates shall be of sufficiently high quality to withstand repeated opening and closing during construction, to the satisfaction of the LANDOWNER.

The LANDOWNER shall be compensated for any losses to personal property due to construction or maintenance activities.

2.5.5. The CONTRACTOR must notify the OWNER, the STATE INSPECTOR, and, if possible, the affected LANDOWNER within two working days of damage to land, crops, property, or irrigation facilities, contamination or degradation of water, or livestock injury caused by the OWNER's construction activities, and the OWNER shall reasonably restore any damaged resource or property or provide reasonable compensation to the affected party.

2.5.6. Pole holes and anchor holes must be covered or fenced in any fields, pastures, or ranges being used for livestock grazing or where a LANDOWNER's requests can be reasonably accommodated.

2.5.7. When requested by the LANDOWNER, all fences crossed by permanent access roads shall be provided with a gate. All fences to be crossed by access roads shall be braced before the fence is cut. Fences not to be gated should be restrung temporarily during construction and restrung permanently within 30 days following construction, subject to the reasonable desires of the LANDOWNER.

2.5.8. Where new access roads cross fence lines, the OWNER shall make reasonable effort to accommodate the LANDOWNER's wishes on gate location and width.

2.5.9. Any breaching of natural barriers to livestock movement by construction activities will require fencing sufficient to control livestock.

2.6. TRAFFIC CONTROL

2.6.1. At least 30 days before any construction within or over any state or federal highway right-of-way or paved secondary highway maintained by DOT, the OWNER will notify the appropriate DOT field office to review the proposed occupancy and to

obtain appropriate permits and authorizations. The OWNER must supply DEQ with documentation that this consultation has occurred. This documentation should include any measures recommended by DOT and to what extent the OWNER has agreed to comply with these measures. In the event that recommendations or regulations were not followed, a statement as to why the OWNER chose not to follow them should be included. If there is a dispute, DEQ will resolve the matter.

2.6.2. In areas where project construction creates a hazard, traffic will be controlled according to the applicable DOT regulations. Safety signs advising motorists of construction equipment shall be placed on major state highways, as recommended by DOT. The installation of proper road signing will be the responsibility of the OWNER.

2.6.3. The managing agency shall be notified, as soon as practicable, when it is necessary to close public roads to public travel for short periods to provide safety during construction.

2.6.4. Construction vehicles and equipment will be operated at speeds safe for existing road and traffic conditions.

2.6.5. Traffic delays will be restricted on primary access routes, as determined by DOT or the managing agency.

2.6.6. Access for fire and emergency vehicles will be provided for at all times.

2.6.7. Public travel through and use of active construction areas shall be limited at the discretion of the managing agency.

2.7. ACCESS ROADS AND VEHICLE MOVEMENT

2.7.1. Construction of new roads shall be the minimum reasonably required to construct and maintain the facility. State, county, and other existing roads shall be used for construction access wherever possible. Access roads intended to be permanent should be initially designed as such. The location of access roads and towers shall be established in consultation with affected LANDOWNERs, and LANDOWNER concerns shall be accommodated where reasonably possible and not in contradiction to these specifications or other DEQ conditions.

2.7.2. All new roads, both temporary and permanent, shall be constructed with the minimum possible clearing and soil disturbance to minimize erosion, as specified in Section 2.11 of these specifications.

2.7.3. Where practical, all roads shall be initially designed to accommodate one-way travel of the largest piece of equipment that will be required to use them; road width shall be no wider than necessary.

2.7.4. Roads shall be located in the right-of-way insofar as possible. Travel outside the right-of-way to enable traffic to avoid cables and conductors during conductor-stringing shall be kept to the minimum possible. Road crossings of the right-of-way should be near support structures.

2.7.5. Where practical, temporary roads shall be constructed on the most level land available. Where temporary roads cross flat land they shall not be graded or bladed unless necessary, but will be flagged or otherwise marked to show their location and to prevent travel off the roadway.

2.7.6. In order to minimize soil disturbance and erosion potential, no cutting and filling for access road construction shall be allowed in areas of up to 5 percent sideslope. In areas of over 5 percent sideslope, road building that may be required shall conform to a 4 percent outslope. The roads shall be constructed to prevent channeling of runoff, and shoulders or berms that would channel runoff shall be avoided.

2.7.7. The OWNER will maintain all permanent access roads, including drainage facilities, which are constructed for use during the period of construction. In the event that a road would be left in place, the OWNER and LANDOWNER may enter into agreements regarding maintenance for erosion control following construction.

2.7.8. Any damage to existing private roads, including rutting, resulting from project construction or maintenance shall be repaired and restored to a condition as good or better than original as soon as possible unless otherwise specified by landowners during land owner negotiations . Repair and restoration of roads should be accomplished during and following construction as necessary to reduce erosion.

2.7.9. All permanent access road surfaces, including those under construction, will be prepared with the necessary erosion control practices as determined by the STATE INSPECTOR or the managing agency prior to the onset of winter.

2.7.10. Any necessary snow removal shall be done in a manner to preserve and protect roads signs and culverts, to ensure safe and efficient transportation, and to prevent excessive erosion damage to roads, streams, and adjacent land.

2.7.11. At the conclusion of line construction, final maintenance will be performed on all existing private roads used for construction access by the CONTRACTOR. These roads will be returned to a condition as good as or better than when construction began.

2.7.12. At least 30 days prior to construction of a new access road approach intersecting a state or federal highway, or of any structure encroaching upon a highway right-of-way, the OWNER shall submit to DOT a plan and profile map showing the location of the proposed construction. At least five days prior to construction, the OWNER shall provide the STATE INSPECTOR written documentation of this consultation and actions to be taken by the OWNER as provided in 2.6.1. If there is a disagreement over state (non-federal) highway crossings, the matter will be resolved by the STATE INSPECTOR.

2.8. EQUIPMENT OPERATION

2.8.1. During construction, unauthorized cross-country travel and the development of roads other than those approved shall be prohibited. The OWNER shall be liable for any damage, destruction, or disruption of private property and land caused by his construction personnel and equipment as a result of unauthorized cross-country travel and/or road development.

2.8.2. To prevent excessive soil damage in areas where a graded roadway has not been constructed, the limits and locations of access for construction equipment and vehicles shall be clearly marked or specified at each new site before any equipment is moved to the site. Construction foremen and personnel should be well versed in recognizing these markers and shall understand the restriction on equipment movement that is involved.

2.8.3. Dust control measures shall be implemented on access roads where required by the managing agency or where dust would pose a nuisance to residents. Construction activities and travel shall be conducted to minimize dust. Water, straw, wood chips, dust palliative, gravel, combinations of these, or similar control measures may be used. Oil or similar petroleum-derivatives shall not be used.

2.8.4. Work crew foremen shall be qualified and experienced in the type of work being accomplished by the crew they are supervising. Earthmoving equipment shall be operated only by qualified, experienced personnel. Correction of environmental damage resulting from operation of equipment will be the responsibility of the OWNER. Repair of damage to a condition reasonably satisfactory to the LANDOWNER, managing agency, or if necessary, DEQ, is required.

2.8.5. Sock lines will be strung using methods that minimize disturbance of soils and vegetation.

2.8.6. Following construction in areas designated by the local weed control board or STATE INSPECTOR as a noxious weed area the CONTRACTOR shall thoroughly wash all vehicles and equipment to remove weed parts and seeds immediately prior to leaving the area.

2.9. RIGHT-OF-WAY CLEARING AND SITE PREPARATION

2.9.1. The STATE INSPECTOR shall be notified at least ten days prior to any timber clearing. The STATE INSPECTOR shall be responsible for notifying the DNRC Forestry Division.

2.9.2. During clearing of survey lines or the right-of-way, shrubs shall be preserved to the greatest extent possible. Shrub removal shall be limited to crushing where necessary. Shrubs may be cut off at ground level, leaving roots undisturbed so that they may re-sprout.

2.9.3. Right-of-way clearing shall be kept to the minimum necessary to meet the requirements of the National Electric Safety Code. Trees to be saved within the clearing backlines and danger trees located outside the clearing backlines shall be marked. Clearing backlines in SENSITIVE AREAS will be indicated on plan and profile maps. All snags and old growth trees that do not endanger the line or maintenance equipment shall be preserved. In designated SENSITIVE AREAS, the STATE INSPECTOR shall approve clearing boundaries prior to clearing.

2.9.4. In no case should the entire nominal width of the right-of-way be cleared of trees up to the edge, unless approved by the STATE INSPECTOR and the LANDOWNER. Clearing should instead produce a "feathered edge" right-of-way configuration, where

only specified hazard trees and those that interfere with construction or conductor clearance are removed. In areas where there is potential for long, tunnel views of transmission lines or access roads as identified in Appendix A, care shall be taken to screen the lines from view. For areas identified in Appendix A, a separating screen of vegetation shall be retained where the right-of-way parallels or crosses highways and rivers.

2.9.5. During construction, care will be taken to avoid damage to small trees and shrubs on the right-of-way that do not interfere with the clearing requirements under 2.9.3. and would not grow to create a hazard over a ten-year period.

2.9.6. Soil disturbance and earth moving will be kept to a minimum.

2.9.7. The OWNER shall be held liable for any unauthorized cutting, injury or destruction to timber whether such timber is on or off the right-of-way.

2.9.8. Unless otherwise requested by the LANDOWNER or managing agency, felling shall be directional in order to minimize damage to remaining trees. Maximum stump height shall be no more than 12 inches on the uphill side or 1/3 the tree diameter whichever is greater. Trees will not be pushed or pulled over. Stumps will not be removed unless they conflict with a structure, anchor, or roadway.

2.9.9. Special logging, clearing, or excavation techniques may be required in certain highly sensitive or fragile areas, as listed in Appendix A.

2.9.10. Crane landings shall be constructed on level ground unless extreme conditions (such as slope, soft, or marshy ground) make other construction necessary. In areas where more than one crane landing per tower site would be built, the STATE INSPECTOR will be notified at least 5 days prior to the beginning of construction at those sites.

2.9.11. No motorized travel on, scarification of, or displacement of talus slopes shall be allowed except where approved by the STATE INSPECTOR and LANDOWNER.

2.9.12. To avoid unnecessary ground disturbance, grounding wires or counterpoise should be placed or buried in disturbed areas whenever possible.

2.9.13. Slash resulting from project clearing that may be washed out by high water the following spring shall be removed and piled outside the floodplain before runoff. Instream slash resulting from project clearing must be removed within 24 hours.

2.9.14. Streamside trees will be felled away from streams rather than into or across streams.

2.10. GROUNDING

Grounding of fences, buildings, and other structures on and adjacent to the right-of-way shall be done according to the specifications of the National Electric Safety Code and any other specifications listed in Appendix G.

2.11. EROSION AND SEDIMENT CONTROL

2.11.1. Clearing and grubbing for roads and rights-of-way and excavations for stream crossings shall be carefully controlled to minimize silt or other water pollution downstream from the rights-of-way. At a minimum, erosion control measures described in the OWNER's Storm Water Control Plan shall be implemented. Sediment retention basins will be installed as required by the STATE INSPECTOR or managing agency.

2.11.2. Roads shall cross drainage bottoms at sharp or nearly right angles and level with the stream bed whenever possible. Temporary bridges, fords, culverts, or other structures will be installed to avoid stream bank damage.

2.11.3. Under no circumstances shall stream bed materials be removed for use as backfill, embankments, road surfacing, or for other construction purposes.

2.11.4. No excavations shall be allowed on any river or perennial stream channels or floodways at locations likely to cause detrimental erosion or offer a new channel to the river or stream at times of flooding.

2.11.5. Installation of culverts, bridges, or other structures in perennial streams along with clearing on stream beds and banks will be done as specified by the STATE INSPECTOR following on-site inspections with DEQ, DFWP, and local conservation districts. All culverts shall be installed with the culvert inlet and outlet at natural stream grade or ground level.

2.11.6. Construction of access roads, bridges, fill slopes, culverts, or impoundments, or channel changes within the high-water mark of any perennial stream, lake, or pond, requires consultation with DFWP and the local conservation district and application of applicable water quality standards. Within 15 days prior to the start of construction, the OWNER shall submit written documentation that consultation has occurred. Included in this documentation should be the recommendation of the agencies consulted and the actions that OWNER expects to take to completely implement them.

2.11.7. No blasting shall be allowed in streams. Blasting may be allowed near streams if precautions are taken to protect the stream from debris and from entry of nitrates or other contaminants into the stream.

2.11.8. The OWNER shall maintain private roads while using them. All ruts made by machinery shall be filled or graded to prevent channeling. In addition, the OWNER must take measures to prevent the occurrence of erosion caused by wind or water during and after use of these roads. Some erosion-preventive measures include but are not limited to, installing or using cross-logs, drain ditches, water bars, and wind erosion inhibitors such as water, straw, gravel, or combinations of these. Erosion control shall be accomplished as described in the Montana Pollution Discharge Elimination System (MPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

2.11.9. The OWNER shall prevent material from being deposited in any watercourse or stream channel. Where necessary, measures such as hauling of fill material, construction of temporary barriers, or other approved methods shall be used to keep excavated materials and other extraneous materials out of watercourses. Any such materials entering watercourses shall be removed immediately.

2.11.10. The OWNER shall be responsible for the stability of all embankments created during construction. Embankments and backfills shall contain no stream sediments, frozen material, large roots, sod, or other materials that may reduce their stability.

2.11.11. Culverts, arch bridges, or other stream crossing structures shall be installed at all permanent crossings of flowing or dry watercourses where fill is likely to wash out during the life of the road. Culvert or bridge installation is prohibited in areas of important fish spawning beds identified by DFWP and during specified fish spawning seasons on less sensitive streams or rivers. All culverts shall be large enough to handle approximately 15-year floods. Culvert size shall be determined by standard procedures taking into account the variations in vegetation and climatic zones in Montana, the amount of fill, and the drainage area above the crossing, and shall be approved as specified in 2.11.6. All culverts shall be installed at the time of road construction and maintained for the life of the project. The areas where stream-crossing measures must be taken are listed in Appendix H.

2.11.12. No fill material other than that necessary for road construction shall be piled within the high water zone of streams where floods can transport it directly into the stream. Excess floatable debris shall be removed from areas immediately above crossings to prevent obstruction of culverts or bridges during periods of high water.

2.11.13. No skidding of logs or driving of vehicles across a perennial watercourse shall be allowed, except via authorized construction roads.

2.11.14. No perennial watercourses shall be permanently blocked or diverted.

2.11.15. Skidding with tractors shall not be permitted within 100 feet of streams containing flowing water except in places designated in advance, and in no event shall skid roads be located on these stream courses. Skid trails shall be located high enough out of draws, swales, and valley bottoms to permit diversion of runoff water to natural undisturbed forest ground cover.

2.11.16. Construction methods shall prevent accidental spillage of solid matter, contaminants, debris, petroleum products, and other objectionable pollutants and wastes into watercourses, lakes, and underground water sources. Secondary containment catchment basins capable of containing the maximum accidental spill shall be installed at areas where fuel, chemicals or oil are stored. Any accidental spills of such materials shall be cleaned up immediately.

2.11.17. To reduce the amount of sediment entering streams, a strip of undisturbed ground or vegetation will be provided for 50 feet between areas of disturbance (such as road construction or tower construction) and wetlands, stream courses, and around first order or larger streams that have a well-defined stream course or aquatic or riparian

vegetation, unless otherwise required by the LANDOWNER. Buffer strip width is measured from the high water line of a channel or wetland and will be determined by the STATE INSPECTOR and managing agency. When braided streams with more than one discernible channel (ephemeral or permanent) are encountered, the high water line of the outermost channel shall be used. In the event that vegetation cannot be left undisturbed, structural sediment containment, approved by the STATE INSPECTOR, must be substituted before soil-disturbing activity commences.

2.11.18. When no longer needed, all temporary structures or fill installed to aid stream crossing shall be removed and the course of the stream reestablished to prevent future erosion.

2.11.19. All temporary dams built on the right-of-way shall be removed after line construction unless otherwise approved by the STATE INSPECTOR. Dams allowed to remain shall be upgraded to permanent structures and shall be provided with spillways or culverts, a continuous sod cover on their tops, and downstream slopes meeting dam safety standards. Spillways may be protected against erosion with riprap or equivalent means.

2.11.20. Damage resulting from erosion or other causes shall be repaired after completion of grading and before revegetation is begun.

2.11.21. Point discharge of water will be dispersed in a manner to avoid erosion or sedimentation of streams as required in DEQ permits.

2.11.22. Riprap or other erosion control activities will be planned based on possible downstream consequences of activity, and installed during the low flow season if possible.

2.11.23. Water used in embankment material processing, aggregate processing, concrete curing, foundation and concrete lift cleanup, and other wastewater processes shall not be discharged into surface waters without a valid discharge permit from DEQ.

2.12. ARCHAEOLOGICAL, HISTORICAL AND PALEONTOLOGIC RESOURCES

2.12.1. All construction activities shall be conducted so as to prevent damage to significant archaeological, historical, or paleontologic resources, in accordance with the requirements of 1.4.1 and Appendix I.

2.12.2. Any relics, artifacts, fossils or other items of historical, paleontologic, or archaeological value shall be preserved in a manner acceptable to both the LANDOWNER and the State Historic Preservation Officer. If any such items are discovered during construction, SHPO shall be notified immediately. Work that could disturb the materials or surrounding area must cease until the site can be properly evaluated by a qualified archaeologist (either employed by the OWNER, managing agency or representing SHPO) and recommendations made by that person based on the Historic Preservation Plan outlined in Appendix I (but in no case more than 10 days). For significant sites, the OWNER must follow recommendations of SHPO.

2.12.3. The OWNER shall conform to treatments recommended for cultural resources by either SHPO or the Advisory Council on Historic Preservation (ACHP).

2.13. PREVENTION AND CONTROL OF FIRES

2.13.1. Burning, fire prevention, and fire control shall comply with the burning plan and fire plan in Appendix J. These plans shall meet the requirements of the managing agency and/or the fire control agencies having jurisdiction. The STATE INSPECTOR shall be invited to attend all meetings with these agencies to discuss or prepare these plans. The STATE INSPECTOR, in turn, shall notify DNRC of all such meetings.

2.13.2. The OWNER shall direct the CONTRACTOR to comply with regulations of any county, town, state or governing municipality having jurisdiction regarding fire laws and regulations.

2.13.3. Blasting caps, powder, and other explosives shall be stored only in approved areas and containers and always separate from each other.

2.13.4. The OWNER shall direct the CONTRACTOR to properly store and handle combustible material that could create objectionable smoke, odors, or fumes. The OWNER shall direct the CONTRACTOR not to burn refuse such as trash, rags, tires, plastics, or other debris, except as permitted by the county, town, state, or governing municipality having jurisdiction.

2.14. WASTE DISPOSAL

2.14.1. The OWNER shall direct the CONTRACTOR to use licensed solid waste disposal sites. Inert materials (Group III wastes) may be disposed of at licensed Class III landfill sites; mixed refuse (Group II wastes) must be disposed of at licensed Class II landfill sites.

2.14.2. Emptied pesticide containers or other chemical containers must be triple rinsed to render them acceptable for disposal in Class II landfills or for scrap recycling pursuant to ARM 17.54.201 for treatment or disposal. Pesticide residue and pesticide containers shall be disposed of in accordance with ARM 17.30.637.

2.14.3. All waste materials constituting a hazardous waste defined in ARM 16.44.303, and wastes containing any concentration of polychlorinated biphenyls must be transported to an approved designated hazardous waste management facility (as defined in ARM 17.53.201) for treatment or disposal.

2.14.4. All used oil shall be hauled away and recycled or disposed of in a licensed Class II landfill authorized to accept liquid wastes or in accordance with 2.14.2 and 2.14.3 above. There shall be no intentional release of crankcase oil or other toxic substances into streams or soil. In the event of an accidental spill into a waterway, the substances will be cleaned up and the STATE INSPECTOR will be contacted immediately. Any spill of refined petroleum products greater than 25 gallons must be reported to the State at Disaster and Emergency Services at 406-841-03911.

2.14.5. Sewage shall not be discharged into streams or streambeds. The OWNER shall direct the CONTRACTOR to provide refuse containers and sanitary chemical toilets, convenient to all principal points of operation. These facilities shall comply with applicable federal, state, and local health laws and regulations. A septic tank pump licensed by the State shall service these facilities.

2.14.6. In order to reduce fire hazard, small trees and brush cut during construction should be chipped, burned, and/or scattered. Slash 3 inches in diameter or greater may be scattered in quantities of up to 15 tons/acre unless otherwise requested by the LANDOWNER. Tops, limbs and brush less than 3 inches in diameter and 3 feet in length may be left in quantities less than 3 tons per acre except on cropland and residential land or where otherwise specified by the LANDOWNER. In certain cases the STATE INSPECTOR will authorize chipping and scattering of tops, limbs and brush in excess of 3 tons per acre as an erosion control measure. Merchantable timber should be decked and removed at the direction of the LANDOWNER or managing agency

2.14.7. Refuse burning shall require the prior approval of the LANDOWNER and a Montana Open Burning Permit must be obtained from DEQ. Any burning of wastes shall comply with section 2.13 of these specifications.

2.15. SPECIAL MEASURES

2.15.1. Poles with a low reflectivity constant should be used to reduce potential for visual contrast.

2.15.2.. At river crossings, strategic placement of structures should be done both as a means to screen views of the transmission line and right-of-way and to minimize the need for vegetative clearing. Crossings of rivers should be designed to avoid diagonal crossings.

3.0 POST-CONSTRUCTION CLEANUP AND RECLAMATION

3.1. CLEANUP

3.1.1. All litter resulting from construction is to be removed from the right-of-way and along access roads leading to the right-of-way. Such litter shall be legally disposed of as soon as possible, but in no case later than 60 days following completion of wire clipping. If requested by the LANDOWNER, the OWNER shall provide for removal of any additional construction-related debris discovered after this initial cleanup.

3.1.2. Insofar as practical, all signs of temporary construction facilities such as haul roads, work areas, buildings, foundations or temporary structures, soil stockpiles, excess or waste materials, or any other vestiges of construction shall be removed and the areas restored to as natural a condition as practical, in consultation with the LANDOWNER.

3.2. RESTORATION, RECLAMATION, AND REVEGETATION

3.2.1 Restoration, reclamation, and revegetation of the right-of-way, access roads, crane pads, splicing or stringing sites, borrow sites, gravel fill, stone, or aggregate excavation, or any other disturbance shall be in accordance with the reclamation and revegetation

plan (Appendix K). The OWNER may choose to develop this plan in consultation with appropriate land management agencies as part of easement negotiations. In this case, the OWNER shall provide written documentation of consultation with those agencies and a copy of the agreed-to plan. This plan and any conditions to the Certificate approved by DEQ shall be attached as Appendix K.

3.2.2. Scarring or damage to any landscape feature listed in Appendix A shall be restored as nearly as practical to its original condition. Bare areas created by construction activities will be reseeded in compliance with Appendices K and L to prevent soil erosion.

3.2.3. After construction is complete, and in cooperation with the LANDOWNER, temporary roads shall be closed.

3.2.4. In agricultural areas where soil has been compacted by movement of construction equipment and unless otherwise specified by the LANDOWNER, the OWNER shall direct the CONTRACTOR to rip the soil deep enough to restore productivity, or if complete restoration is not possible, the OWNER shall compensate the LANDOWNER for lost productivity.

3.2.5. Earth next to access roads that cross streams shall be replaced at slopes less than the normal angle of repose for the soil type involved.

3.2.6. All drainage channels shall be restored to a gradient and width that will prevent accelerated gully erosion.

3.2.6. Drive-through dips, open-top box culverts, waterbars, or cross drains shall be added to roads at the proper spacing and angle as necessary to prevent erosion.

3.2.7. Interrupted drainage systems shall be restored.

3.2.8. Sidecasting of waste materials may be allowed on slopes over 40 percent after approval by the LANDOWNER, however, this will not be allowed within the buffer strip established for stream courses, in areas of high or extreme soil instability, or in other SENSITIVE AREAS identified in Appendix A. Surplus materials shall be hauled to LANDOWNER-approved sites in such areas.

3.2.9. Seeding prescriptions to be used in revegetation, requirements for hydroseeding, fertilizing, and mulching, as jointly determined by representatives of the OWNER, DEQ, and other involved state and federal agencies, are specified in Appendix L.

3.2.10. Piling and windrowing of material for burning shall use methods that will prevent significant amounts of soil from being included in the material to be burned and minimize destruction of ground cover. Non-mechanized methods are recommended if necessary to minimize soil erosion and vegetation disturbance. Piles shall be located so as to minimize danger to timber and damage to ground cover when burned.

3.2.11. During restoration in areas where topsoil has been stockpiled, the site will be graded to near natural contours and the topsoil will be replaced on the surface.

3.2.12. Excavated material not suitable or required for backfill shall be evenly filled back onto the cleared area prior to spreading any stockpiled soil. Large rocks and boulders uncovered during excavation and not buried in the backfill will be disposed of as approved by the STATE INSPECTOR and/or LANDOWNER.

3.2.13. Application rates and timing of seeds and fertilizer, and purity and germination rates of seed mixtures, shall be as determined in consultation with DEQ. Reseeding shall be done at the first appropriate opportunity after construction ends.

3.2.14. Where appropriate, hydro seeding, drilling, or other appropriate methods shall be used to aid revegetation. Mulching with straw, wood chips, or other means shall be used where necessary. Areas requiring such treatment are listed in Appendix L.

3.2.15. All temporary roads shall be obliterated and reclaimed (with the concurrence of the LANDOWNER), as specified in Appendix M. All temporary roadways shall be graded and scarified as specified to permit the growth of vegetation and to discourage traffic. Permanent unsurfaced roadbeds not open to public use will be revegetated as soon after use as possible unless specified otherwise by the LANDOWNER.

3.3. MONITORING

3.3.1. Upon notice by the OWNER, the STATE INSPECTOR will schedule initial post-construction field inspections following cleanup and road closure. Follow-up visits will be scheduled as required to monitor the effectiveness of erosion controls, reseeding measures, and the right-of-way management plan (Appendix N). The STATE INSPECTOR will contact the LANDOWNER for post-construction access and to determine LANDOWNER satisfaction with the OWNER's restoration measures.

3.3.2. The STATE INSPECTOR shall document observations for inclusion in monitoring reports regarding bond release or the success of mitigating measures required by DEQ.

3.3.2. Failure of the OWNER to adequately reclaim all disturbed areas in accordance with section 3.2 and ARM 17.20.1902(10) shall be cause for forfeiture of the reclamation BOND(s) or penalties described in Section 0.3. Success of revegetation shall be based on criteria specified in ARM 17.20.1902(10). Failure of the OWNER to achieve adequate revegetation of disturbed areas may be cause for forfeiture of the revegetation BOND(s) or penalties described in Section 0.3.

4.0. OPERATION AND MAINTENANCE

4.1. RIGHT-OF-WAY MANAGEMENT AND ROAD MAINTENANCE

4.1.1. Maintenance of the right-of-way and permanent access roads shall be as specified in the right-of-way management plan (Appendix N). This plan shall provide for the protection of SENSITIVE AREAS identified prior to and during construction as well as control of erosion on permanent access roads.

4.1.2. Vegetation that has been saved through the construction process and which does not pose a hazard or potential hazard to the transmission line, particularly that of value

to fish and wildlife as specified in Appendix A, shall be allowed to grow on the right-of-way.

4.1.3. Vegetative cover adjacent to the transmission line in areas other than cropland shall be maintained in cooperation with the LANDOWNER.

4.1.4. Grass cover, water bars, cross drains, the proper slope, and other agreed to measures shall be maintained on permanent access roads and service roads in order to prevent soil erosion.

4.2. MAINTENANCE INSPECTIONS

4.2.1. The OWNER shall have responsibility to correct soil erosion, noxious weed, or revegetation problems on the right-of-way or access roads as they become known. Appropriate corrective action will be taken where necessary. The OWNER, through agreement with the LANDOWNER or managing agency, may provide a mechanism to identify and correct such problems but the OWNER is responsible for correcting these problems.

4.2.2. Operation and maintenance inspections using ground vehicles shall be timed so that routine maintenance will be done when access roads are firm, dry, or frozen, wherever possible. Maintenance vegetative clearing shall be done according to criteria spelled out in Appendix N.

4.3. CORRECTION OF LANDOWNER PROBLEMS

4.3.1. When the facility causes interference with radio, TV, other stationary communication systems, or GPS signals after the facility is operating, the OWNER will correct the interference with mechanical corrections to facility hardware, or antennas, or will install remote antennas or repeater stations, or will use other reasonable means to correct the problem.

4.3.2. The OWNER will respond to complaints of interference with radio, TV or GPS signals by investigating complaints to determine the origin of the interference. If the interference is not caused by the facility, the OWNER shall so inform the person bringing the complaint. The OWNER shall provide the STATE INSPECTOR with documentation of the evidence regarding the source of the interference if the person brings the complaint to the STATE INSPECTOR or DEQ.

4.4. HERBICIDES AND WEED CONTROL

4.4.1. Weed control, including any application of herbicides in the right-of-way, will be done by applicators currently licensed in Montana and in accordance with recommendations of the Montana Department of Agriculture, and in accordance with the right-of-way maintenance plan in Appendix N.

4.4.2. Herbicides will not be used in certain areas identified by DEQ and DFWP, as listed in Appendix O or as requested by the LANDOWNER.

4.4.3. Proper herbicide application methods will be used to keep drift and nontarget damage to a minimum.

4.4.4. Herbicides must be applied according to label specifications and in accordance with 4.4.1 above. Only herbicides registered in compliance with applicable federal and state laws may be applied.

4.4.5. Herbicides shall not be sprayed during heavy rains or threat of heavy rains. Vegetation buffer zones shall be left along all identifiable stream channels. Herbicides shall not be used in any public water supply watershed identified by DEQ.

4.4.6. In areas disturbed by the transmission line, the OWNER will cooperate with LANDOWNERs in control of noxious weeds as designated by the weed control board having jurisdiction in the county crossed by the line.

4.4.6. The OWNER shall notify the STATE INSPECTOR in writing 30 days prior to any broadcast or aerial spraying of herbicides. The notice shall provide details as to the time, place, and justification for such spraying. DEQ, DFWP, and the Montana Department of Agriculture shall have the opportunity to inspect the portion of the right-of-way or access roads, schedule for such treatment before, during, and after spraying.

4.4.7. During the second and third growing seasons following the completion of restoration and reseeding, the OWNER and STATE INSPECTOR shall inspect the right-of-way and access roads for newly established stands of noxious weeds. The county weed control supervisor shall be invited to attend this inspection. In the event that stands of weeds are encountered, the OWNER shall take appropriate control measures.

4.5. MONITORING

4.5.1. DEQ may continue to monitor operation and maintenance activities for the life of the project in order to ensure compliance with the specifications in this section (see Appendix Q).

4.5.2. The OWNER will be responsible to DEQ for the term of the reclamation BOND (Section 0.8). Following BOND release, the OWNER will report to individual LANDOWNERs and managing agencies except as specified in conditions to the certificate.

4.5.3. Upon reasonable complaint from an affected LANDOWNER or managing agency, DEQ may require the OWNER to fund additional monitoring efforts to resolve problems that develop after release of the BONDs. Such efforts would be limited to determining compliance with these specifications and other conditions of the Certificate.

5.0 ABANDONMENT

When the transmission line is no longer used or useful, structures, conductors, and ground wires shall be removed and disturbed areas reclaimed using methods outlined in Appendix K.

APPENDICES

APPENDIX A: SENSITIVE AREAS FOR THE MATL TRANSMISSION LINE PROJECT

The following sensitive areas have been identified where special measures would be implemented to reduce impacts:

Land Use/Infrastructure

To minimize impacts to farming, DEQ could require the use of monopoles where the line crosses cropland and CRP. Whenever reasonably possible, structures should be located along field boundaries. Where span lengths are too long and structures must be located within field boundaries, structures should be placed at the edges of field strips where reasonably possible, in consultation with affected landowners. MATL will consult with landowners and make reasonable accommodation for vehicle movement along field roads.

During seeding and harvest seasons, MATL would use pilot vehicles during equipment mobilization and delivery of large, long loads on secondary roads to minimize conflict with ongoing farming activities.

Where feasible, MATL will maintain a minimum distance of 132 feet from wellheads and the edges of existing pipeline rights-of-way or the pipe itself. It may not be feasible to maintain this buffer on the western most of the Belgian Hill Local Routing Option.

On the Agency Preferred Alternative, the Northwest of Conrad Local Routing Option would be located on rangeland where reasonably possible. Cultural resource sites outside of existing access trails would be identified, fenced, and would not be disturbed unless approved by the landowner.

Geological/Soils

Precision mapping for unstable soils would be conducted along the alignment between the milepost markers identified below:

Diamond Valley Area

On the Agency Preferred Alternative between mileposts 36.92 and 37.22, 38.22 and 38.33, and between 38.41 and 38.46.

Teton River Crossing Area

On the Agency Preferred Alternative between mileposts 35.3 and 35.8, 36.2 and 36.6, and between mileposts 36.9 and 37.4.

Marias River Crossing Area

On the Agency Preferred Alternative between mileposts 92.27 and 92.35, 92.62 and 92.75, 92.78 and 92.89, 93.33 and 94.25.

At the Teton River crossing, on the Agency Preferred Alternative, the alignment would be widened by an additional 250 feet north of the centerline between mileposts 40.47 and 42.4 to avoid areas of slope instability in this area.

At the Teton and Marias River valleys, after design but prior to construction, proposed road locations would be reviewed in the field to ensure that unnecessary road construction related disturbance does not occur. Existing access trails would be used to the fullest extent possible.

Wildlife

On the selected alternative, areas of native vegetation that have not been surveyed for grouse leks would be surveyed prior to construction. Construction would not occur during the leking season within 2 miles of leks.

Overhead ground wires must be marked in the following areas within 2 miles of leks to reduce the potential for avian collisions with the transmission line. Support structures that cross within the 2-mile buffer area around the documented leks would be fitted with raptor perch deterrents to reduce predation.

Alternative 2 between mileposts 85.7 and 92

Alternative 3 between mileposts 81 and 87

Alternative 4 between mileposts 9.5 and 10.5 and 95.5 and 101.5

Line marking devices would be installed, at intervals suggested by manufacturer's recommendations, on overhead ground wires within all stream, river and wetland crossings, such as crossings of the Marias River, the Dry Fork Marias River, and Teton River. Line marking devices would also be placed within a ¼ mile buffer on either side of streams, rivers, or wetlands. Such marking devices have been reported to reduce mortality by approximately 40 to 90 percent.

Impacts to raptors would not be expected; in the event that a raptor nest was identified during construction activities, MATL would consult with the FWP and USFWS and take precautions to minimize impacts on nesting raptors**.**

Overhead ground wires within ¼ mile of wetlands will be marked to reduce the potential for collisions after inspection and a determination of the need for marking in consultation with FWP and FWS biologist.

Visual Resources

To decrease the line's contrast and visibility, non-shiny conductors would be used.

Cultural Resources

Cultural resource surveys would be completed along unsurveyed areas with a high probability of discovering new sites. If cultural resource sites are discovered, structure locations and access routes would be modified to avoid sensitive features or the site recorded.

Unevaluated cultural resource properties and Traditional Cultural Properties along the route must be individually evaluated in terms of Project effect. In addition, an intensive cultural resource inventory of areas not previously inventoried to Montana SHPO standards is necessary to comply with regulations in the Montana Antiquities Act, as amended (1995).

A professional archeologist would observe construction in high probability areas listed below during pole placement. If cultural resources are discovered during excavation, construction would be temporarily halted while the owner completes recovery of artifacts. Artifacts are the property of the landowner.

The Agency Preferred Alternative between mileposts 0 and 15, 31 and 42.3, 56.25 and 62.6, 66.9 and 68, 68.98 and 69.57, 70.44 and 71.81, 74.9 and 87.2, 91.6 and 94.25, 96.3 and 103.1, 106 and 112.6, 110.66 and 112.64, and 115.5 and 128.7.

Wetlands

MATL would delineate wetlands within 500 feet of the alignment of the approved alternative and construction activities would not be allowed within 50 feet of wetlands. .

Floodplains

MATL would avoid placing roads and poles in designated 100 year floodplains.

Vegetation

Additional areas for monitoring or for application of mitigation measures may be identified following the pre-construction monitoring trip by the State Inspector or the Inspector's designee.

APPENDIX B: PERFORMANCE BOND SPECIFICATIONS

Construction and reclamation bonds shall be used to ensure performance with these specifications and will be specified at the time of the certification decision.

APPENDIX C: VARIATIONS IN RIGHT-OF-WAY WIDTH

See Appendix A for variations in right-of way widths.

DEQ does not recommend specific widths for construction easements. In accordance with the specifications, construction activities shall be contained in the minimum area necessary for safe and prudent construction.

DEQ does not recommend specific variations in right-of-way widths beyond those required to meet the National Electric Safety Code for electric transmission line operations and those necessary to meet standards established in ARM 17.20.1607(2).

APPENDIX D: AREAS WHERE CONSTRUCTION TIMING RESTRICTIONS APPLY

Except for those areas described in Appendix A, no restrictions in the timing of construction are recommended, beyond those considered necessary on the basis of on-site inspections of stream crossings required in Section 2.11.6 of these specifications and in other sections of these specifications, or as negotiated by LANDOWNERs in individual easement agreements.

APPENDIX E: AERONAUTICAL HAZARD MARKINGS

For all alternatives, the OWNER would install FAA-recommended colored aerial markers for aviation safety, as well as at crossings of the Conoco pipeline and crossings of the Cenex pipeline.

For all alternatives, the OWNER would install FAA-recommended aerial markers to make the line more visible to low flying aircraft at crossings of Interstate 15 and U.S. Highways 87 and 2. Marker balls would also be placed at all river crossings.

APPENDIX F: NOXIOUS WEED AREAS

MATL's weed control program incorporates a baseline inventory and marking of existing noxious weed populations prior to construction; preventative measures (that is, washing vehicles, flagging weed populations to be avoided, and seeding following disturbance); and an integrated control program involving spraying target species in coordination with the BLM, state weed coordinator, and county weed boards and landowners. Mitigation practices such as washing vehicles and equipment would occur throughout construction and continue during future line maintenance activities. MATL would report annually to Federal, state (DNRC and DEQ), and county personnel on the condition and progress of this effort. The MATL integrated weed control plan would reduce the threat of noxious weed invasion following ground disturbance resulting from project construction and long-term maintenance. This weed control program must be implemented for the life of the project or as required by designated Federal, state(DEQ), and county personnel to ensure long-term noxious/invasive plant control measures are met in the weed control area.

APPENDIX G: GROUNDING SPECIFICATIONS

Powerlines, fences, and pipelines shall be grounded in accordance with the National Electrical Safety Code. The OWNER shall ensure that operation of the transmission line does not interfere with operation of cathodic protection systems of any pipelines crossed or paralleled. Prior to construction, the OWNER must consult with owners of pipelines crossed and paralleled (within 2,000 feet) and implement any measures requested by the pipeline owner or operator to prevent interference with the cathodic protection system and shocks to workers. In addition, MATL would comply with all Federal and State regulations concerning co-locating near buried gas pipeline.

APPENDIX H: CULVERT AND BRIDGE REQUIREMENTS

It does not appear that new culverts or bridges will be needed during construction. In the event a culvert or bridge is needed, it shall be installed to the standards set forth in Section 2.11.11 of the specifications and following review and approval of the proposed installation by the State Inspector. The state inspector may require site specific measures to reduce impacts.

APPENDIX I: HISTORIC PRESERVATION PLAN

The OWNER, in consultation with SHPO, shall develop a plan for identification and treatment of historical or archaeological sites affected by construction. Copies of these plans shall be part of this Appendix. The plan shall identify proposed treatments to be employed to avoid, mitigate or offset project effects on cultural resource sites or culturally significant tribal resources as agreed to by SHPO.

APPENDIX J: BURNING PLAN AND FIRE PLAN

The need for a detailed burning or fire plan is not anticipated for this project. In the event that burning is required prior to or during construction, such burning shall occur in accordance with sections 0.5, 2.13, and 2.14 of the specifications.

APPENDIX K: RECLAMATION AND REVEGETATION PLAN

At least 30 days prior to the start of construction, a reclamation and revegetation plan must be developed and submitted to DEQ for approval. This plan must, at a minimum, specify seeding mixtures, rates, seeding methods and timing of seeding. It must address LANDOWNER wishes, and satisfy requirements of the MPDES General Permit for Storm Water Discharges Associated with Construction Activity and ARM 17.20.1902(10).

If a LANDOWNER's management practices prevent the attainment of 90 percent perennial ground cover after five (5) years, revegetation on that land will be deemed adequate when portions of the right-of-way disturbed by construction and temporary roads are reclaimed to a state of usefulness similar to that existing prior to construction as determined by the State Inspector.

APPENDIX L: AREAS WHERE STOCKPILING OF TOPSOIL, HYDRO SEEDING, FERTILIZING, OR MULCHING IS REQUIRED

At each area where cut and fill would be necessary to construct a road or crane pad, the OWNER shall salvage and stockpile topsoil, and spread the topsoil over disturbed areas following construction to increase re-vegetation success.

APPENDIX M: ROADS TO BE CLOSED AND/OR OBLITERATED

If permanent roads are necessary for construction or maintenance of the project, the OWNER shall close or obliterate the roads during decommissioning as requested by the LANDOWNER.

APPENDIX N: RIGHT-OF-WAY MANAGEMENT PLAN

DEQ does not recommend a specific right-of-way management plan. To the extent possible, all maintenance and operation activities shall be performed to comply with the requirements of the environmental specifications.

APPENDIX O: WATERSHEDS AND OTHER AREAS WHERE HERBICIDES ARE PROHIBITED

DEQ does not recommend any areas or watersheds where herbicide use is prohibited. Herbicide use shall conform to all applicable local, state, and federal restrictions.

APPENDIX P: NAME AND ADDRESS OF STATE INSPECTOR

STATE INSPECTOR
Environmental Science Specialist
Montana Dept of Environmental Quality
P.O. Box 200901
1520 East Sixth Avenue
Helena, Montana 59620-0901
(406) 444-_____

OWNER'S LIAISON

APPENDIX Q: MONITORING PLAN

The STATE INSPECTOR is responsible for implementing this monitoring plan required by 75-20-303(b) and (c), MCA, and for reporting whether terms of the Certificate of Compliance and Environmental Specifications are being met, along with any conditions in the Storm Water Pollution Prevention Plan and state land easements. The STATE INSPECTOR may identify additional mitigating measures in order to minimize environmental damage due to unique circumstances that arise during construction.

In addition to participating in preconstruction conferences the State Inspector shall conduct on-site inspections during the period of construction. At a minimum the Inspectors will be present at the start of construction and during the initiation of construction in sensitive areas. Subsequently Inspectors shall strive to conduct on-site reviews of construction activities on at least a weekly schedule. More frequent monitoring may be necessary in sensitive areas, during the peak(s) of construction activities or if monitoring reveals a pattern of non-compliance.

Inspectors shall record the dates of inspection, areas inspected, and instances where construction activities are not in conformance with Environmental Specifications or terms and conditions of the Certificate of Compliance for the project. Inspection reports shall be submitted to the OWNER's field representative in a timely manner. Follow-up work identified in the inspection reports will be the responsibility of the OWNER and will be carried out in a timely manner.

Upon the completion of construction in an area, the Inspectors will determine whether or not environmental specifications have been followed; that cleanup is complete; that damage has been repaired; that recontouring, site restoration, erosion control are complete; that road closures are adequate and that revegetation is progressing

satisfactorily. Within 60 days of the completion of construction, the amount of reclamation bond that will be released will be determined by DEQ.

In the event the DEQ finds that the certificate holder is not correcting damage created during construction in a satisfactory manner or that initial revegetation is not progressing satisfactorily, DEQ may determine the amount and disposition of all or a portion of the reclamation bond to correct any damage that has not been corrected by the certificate holder.

At the time the reclamation bond is released by DEQ, the certificate holder shall submit a reclamation bond. Pursuant to the certificate, portions of this bond or bonds may be held for five years, or until the department determines that revegetation adequately meet the requirements specified in the certificate and in ARM 17.20.1902(10).

In the event the department finds that revegetation has not attained the growth required after five years specified in ARM 17.20.1902(10), the department may find the certificate holder in substantive noncompliance with the terms of the certificate and may determine the amount and disposition of all or a portion of the bond or bonds to achieve satisfactory revegetation.

The STATE INSPECTOR or designee shall record the dates of inspection, areas inspected, and instances where construction activities are not in conformance with Environmental Specifications or terms and conditions of the Certificate of Compliance for the project. Inspection reports shall be submitted in a timely manner to the Owner's Liaison who will see that corrections are made or that such measures are implemented in a timely manner. When violations of the Certificate are identified, the STATE INSPECTOR shall report the violation in writing to the OWNER, who shall immediately take corrective action. If violations continue, penalties described in 75-20-408, MCA may be imposed.